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ALA COURT CRIMINAL APPEALS

The COURT OF CRIMINAL Appeals
OF ALABAMA

5/9/01

John Willie Minnifield

APPELLANT,

VS

STATE OF ALABAMA

Appellee

Case No.

BRIEF OF APPELLANT

PRO/SE

- Exhibit I -

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- STALKING Alabama 13A-6-90 1975

STATEMENT OF THE CASE

ON 11-23-98 A WARRANT WAS ISSUED FOR THE ARREST OF THE APPELLANT JOHN WILLIE MINNIFIELD FOR THE STALKING OF MY WIFE VONCIEL A. MINNIFIELD. ON THE 5TH DAY OF FEBRUARY 1999.

APPELLANT WAS INDICTED BY THE GRAND JURY OF MONTGOMERY CO. ALABAMA FOR STALKING IN VIOLATION OF 13A6-90 OF THE CODE OF ALABAMA. APPELLANT WAS TRIED BY THE CIRCUIT COURT OF MONTGOMERY CO ON JAN. 12TH 2000. SENTENCE TO 20 YEARS IN PRISON, WAS GIVEN TO THE APPELLANT ON FEB. 7TH 2000. PLUS ORDERED TO PAY 4,378.00 RESTITUTION, \$5000 CRIME VICTIM FUND AND \$150.00 ATTORNEY FEES. APPELLANT FILED APPEAL TO THIS COURT ON LESSER INCLUDED OFFENSE BY ATTORNEY JOSEPH BURKHART. WHICH WAS AFFIRMED

APPELLANT THEN FILED POST CONVICTION RELIEF RULE 32 TO THE CIRCUIT COURT ON NEWLY DISCOVERED EVIDENCE WHICH WAS DENIED BY HON. SALLY GREENHAW. APPELLANT GAVE NOTICE OF APPEAL: THE D.A. HAS FAILED TO FILE BRIEF WITH THE APPEALS COURT AS REQUIRED BY A.R.C.E. IN REBUTTIAL TO THE RULE 32 WITH THIS COURT THE ALABAMA CRIMINAL COURT OF APPEALS AS REQUIRED BY THE RULES OF COURTS

Order

The Montgomery Co. Cir Court and the state failure to entertain the Petitioner; John Willie Minnifield Post Conviction relief by denial of Due Process. The Court state contention is without merit. The Petitioner has factual basis on Newly discovered evidence. The Petitioner did file motion for discovery on the 10th day of March 1999. State never responded see Tr. Pg March 9 1999 state served former Council John Hartley with discovery. The Petitioner was never allowed to see the discovery until the day of trial. Only in parts of the statement the Petitioner gave to Detective William. The state allege bare allegation

(1) That the state altered evidence. True. The factual basis see: Tr.Pg. That the state did not put in evidence of the state withheld the complaint filed on the 21st of Nov. 1998. The charge of stalking. but charge to Nov. 23 1999.

(2) State contend the transcript Pg.57, thru 59 show that this is true out of the presence of the defendant. Line 19-thru-59-4 witness brought before the court in violation of the Petitioner right to confront witness and of impeach hostile witness. Only 1 witness was needed that seen the Petitioner on Nov. 23, 1998.

STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

Newly Discovered evidence

(1) Appellant Alleges That The State ALTERED evidence AND Failed To INTRODUCE The complaint AND affidavit. is Bare ALLEGATION without factual basis OR SUPPORT.

(1A) STATE Withheld evidence THAT The Complaint was Filed ON SATURDAY NIGHT by Vonciel Minifield. ON MONDAY Nov 23 1998. between The hour of 7:15 AND 7:30 The Appellant WAS going home down Ripley st. between Adam Ave AND Washington Ave. My wife Place of employment AND ALSO The Appellant whereas The dishwasher was dumping TRASH IN The dumpster. The Appellant Pulled over To The curb Never leaving The STREET ARE my CAR. AND ASKED The dishwasher Nicholas Washington To Tell My wife i were going out OF TOWN for The holiday AND will RETURN ON The Weekend. HER AND i Need To SIT down AND have A TALK AND IRON OUT OUR PROBLEM, he said OK he will Tell her when she get TO WORK. I drove OFF AND WENT home. She Never get The kids off TO school UNTIL 8AM Then She go back home AND get dressed AND never get TO WORK before 8:45 AM OR 9AM. When MR Washington gave her my message. She being This 19 year old SUPERVISION gotten him To lie, THAT i THREATEND TO KILL her before Thursday. AND THAT i TOLD him i had A gun. which is UNTRUE, i was charged with STALKING in THAT incident

even though she was not there where was the stalking?

(A) INREDIBLE THREAT even though, i never told MR WASHINGTON ANYTHING OR CONVEYED A THREAT INREDIBLE THREAT MUST BE CONVEYED DIRECT TO THE INTEND TARGET AND NOT HEARSAY STATE KNEW THE COMPLAINT FILED ON SATURDAY NIGHT COULD NOT SUPPORT STALKING THE DATE WAS CHANGED FROM THE 21ST TO THE 23RD. AND WAS NEVER MENTION AT TRIAL.

The STATE BROUGHT WITNESS BEFORE

THE COURT AFTER THE JURY WAS IMPANTED BROUGHT WITNESS BEFORE THE COURT IN MY ABSENCE TO WHAT THEY WOULD TESTIFY TO. STATE ALLEGED NO FACTUAL BASIS. SEE ORIGINAL TRANSCRIPT Pg. 57 LINE 20-21 WILL SUPPORT THE FACTS THAT AN ACCUSED PERSON HAS A RIGHT TO CONFRONT WITNESS. NOT SO HERE,

H.O.A

(3) STATE DID NOT GIVE NOTICE OF THE H.O.A. AND WHAT PRIORS WILL BE USED UNTIL THE DAY OF SENTENCING i HAVE THE PROOF.

(4) STATE FABRICATED N.C.I.E. REPORTS BEFORE THE GRAND JURY BY USING CASES i NEVER BEEN CONVICTED OF SEE: DISCOVERY i FILED FOR DISCOVERY MARCH 1999 i DID NOT RECEIVED IT UNTIL THE DAY OF THE TRIAL ONLY MY STATEMENT TO INVESTIGATOR NOTHING MORE. SEE NEXT PAGE i NEVER RECEIVED THIS UNTIL THE DAY OF THE TRIAL i NEVER BEEN CONVICTED OF THE CASES WITH THE X STATE FAILED TO APPLY BY 3 OF THE H.O.A APPLICABLE (SEE 3A)

"Exhibit 1"

IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT
MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA,)
Plaintiff,)
v.) CC No. 99-0327-SMG
JOHN WILLIE MINNIFIELD,)
Defendant.)

NOTICE OF
DISCOVERY TO DEFENDANT,
INTENT TO USE PRIOR CONVICTIONS,
INTENT TO INVOKE SENTENCING ENHANCEMENTS,
INTENT TO OFFER PROOF BY A CERTIFICATE OF ANALYSIS, and
MOTION FOR DISCOVERY BY THE STATE

COMES NOW the State of Alabama, by and through its District Attorney for the Fifteenth Judicial Circuit, Eleanor I. Brooks, and gives notice as to the following:

(1. Pursuant to Rule 16.1, A.R.Cr.P., and as otherwise required by law, all available discovery has been provided or made available to the Defendant's counsel of record. Physical evidence, if any, is in the custody of the investigating law enforcement agency or the Alabama Department of Forensic Sciences. Arrangements to inspect physical evidence may be made by contacting the undersigned.

The State has, with this notice, furnished a copy of the complete "case file" (less work product) to Defense Counsel. This material is page numbered sequentially from 000001 to 98 < 101-103. The State will consider this discovery material to have been received in its entirety by Defense Counsel unless the State is notified in writing of any discrepancies.

(2. The State intends to use at trial any and all prior convictions, crimes, wrongs, or acts of the Defendant for those uses permitted by Rules 404(b) and 609 of the A.R.E., and as otherwise allowed by law. The State is presently aware of, and intends to use, the following:

No Certification

Burglary II CTS TALAPOOSA 1961

Burglary TALAPOOSA 1986

Robbery St. Clair 1969

Burglary 7 CTS TALAPOOSA 1980

Burglary Grand Harceny St. Clair 1975

Grand Harceny Autauga 1981

Grand Harceny St. Clair 1975

Burglary II Autauga 1985

Burglary II MARSHALL 1980

Grand Harceny Autauga 1985

No Certification

(5) All Black males was struck from the JURY IN PREMPTORY
IN Batson VS Kentucky Rule 32.6 b AS THE STATE
Alleges See Nextpage (5A) JURY STRIKES

(6) STATE ALLEGES THAT STATE WITNESS COULD NOT TESTIFY TO
STALKING TRUE ONLY (1) WITNESS COULD ON NOVEMBER 23RD 1998.
IS NICHOLAS WASHINGTON SEE ME ON THAT DATE NOT EVEN
ALLEGES VICTIM. THE OTHER STATE WITNESS LIED WHEREAS I
HAD CITY CASES RECKLESS ENDANGMENT, HARRASSMENT
DISORDELY CONDUCT. WHEREAS I HAD BEEN FOUND GUILTY
IN CITY COURT WHICH I APPEAL THOSE CASES. IN STATE
OPENING CHARGE TO THE JURY I OBJECTED BUT WAS OVERRULED
BY TRIAL JUDGE WHO STATED THE D.A. HAD A RIGHT TO
TELL THE JURY WHAT HE EXPECTED THE EVIDENCE TO SHOW.
IN RAISING THE ISSUE OF PRIOR CRIMINAL CONDUCT
IS FORBIDDEN TO SHOW THE JURY OF THE PROSPENCY TO
COMMIT THE CRIME OF 13A 6 90 STALKING. THOSE WITNESS
LIED AND CONSPIRED WITH MY WIFE TO FABRICATE THE
CHARGE BECAUSE I CAUGHT HER CHEATING AN HEAVY CRACK
USER WHEN I TRIED TO STOP HER SHE HAD ME LOCKED
UP FOR STALKING. ONE STATE STAR WITNESS USED FALSE
NAME IN SWORN TESTIMONY BEFORE JURY. WHICH THE
JURY HAD HER STATEMENT RE-READ TO THE JURY BEFORE RA 348
BEING CONVICTED. HER NAME IS LAWANDA VINSON. WHICH
SHE GAVE THE NAME LAWANDA BENSON. THIS IS NEWLY
DISCOVERED EVIDENCE. IN RESEARCHING I RAN ACROSS

her name in her testimony in another case see: moore
vs state 659 So 2d 205

state alleged these issue was or could have been raised
at trial not so,

(1) AFTER DIRECT APPEAL COURT REPORTER had TO finish
TRANSCRIPT then pass ON TO THE APPELLANT ATTORNEY
ESQUIRE Joseph Burkhardt i did NOT know of the events
until i read the TRANSCRIPT AND discovered from
it.

(2) THAT WITNESS was brought before the COURT in NO.
My Absence. See ORIGINAL TRANSCRIPT Page TR 57 line 19-20-21

(2) i filed motion FOR discover- march 1999. See TR Pg. 25
ONLY got it the day of trial NOT in time to look into it

(3) NOTICE OF THE STATE TO invoke HOA AN CHALLENGE THE N.D.E
CHARGES NEVER HAD THE CHANCE ONLY AT THE SENTENCING.
See TR. 16

(4) STATE falsifying of the Nic. REPORT OF CASE i never N.D.E
had OR convicted being PRESENTED TO GRAND JURY
See Pg. 33

(5) STATE STRUCK ALL black males FROM THE JURY LEFT (3)
white males AND (9) women ON THE JURY TR Pg. 35-36

(6) ONLY (1) WITNESS seen me on Nov. 23 1998.
The STATE claim AS this motion is WITHOUT MERITS

see Pg 40 copy of original transcript Banishment
i were ordered out of town to live with my
sister in Alex City. Whereas my Job, Home AND
even program is in montgomery. After my return
to montgomery, my wife filed a false complaint.
i was locked back up in jail. Bail was re-instate
at \$100,00.00 see transcript Pg. 29-30 There was no
restraining order - court order - or whatever
my wife and i separated Oct. 8th 1998 this happen
on Nov. 23rd 1998.

13A.6-90 define stalking law clearly defines a credible
threat 2nd provides that the threat must be comm-
unicated.

(2) in Randall vs state see (1) (3) Code of Ala 1975 13-6-90
13-6-91 (c) by using city cases to conviction then (8)
Double Jeopardy come into play or focus. The indictment
in this case must be void for being defected because
there was no intention as the indictment claim.
[1,2] in [8-10] see United States vs Ferguson, 847
F supp 940 (S.D. Al 1994). II in Randall Pg. 227 all of
the acts in Randall apply here except following
threats AND OR placing victim or any family member
in fear for there safety. Unlike in Barlett vs state
701 So 2d 305 (1997) no order was in place.

The Process Brooks vs Alabama State Bar 574 So 2d 33 (1990)
Due process of law requires fair notice that one conduct
is subject to a law or regulation. (6) CONST. 6, 7, 13.

CONSTITUTIONAL LAW 287.2(5) Because district ATTORNEY had Reason To believe THAT her conduct was NOT governed, by the Code of Professional Responsibility, base on language in prior supreme court Ruling AND OR opinion's dealing with the rules governing the CONDUCT OF ATTORNEY'S DUE PROCESS PROHIBITED THE IMPOSITION OF DISCIPLINE ON HER UNDER THE CODE CONST.

6,7,13. The Appellant: in this motion was in the same or similar conduct in denial of due process UNITED STATES VS HAYES 703 F SUPP. 1493, 1502 N.D. Alabama 1989. C.F. ALA. CONST 1901 ART. 16,7 AND 13.

Pike VS SOUTHERN Bell Telephone AND Telegraph Co. 263 ALA 59 81 SO 2d 254 (1955) The COURTS have found that this right is violated as in STALKING when a STATUTE OR REGULATION is unduly VAGUE UNREASONABLE, OR OVERBROAD.

Double Jeopardy

CITY CASES WHEREAS The Appellant had been convicted of HARASSMENT, RECKLESS ENDANGERMENT, AND DISORDLEY CONDUCT. CONSTITUTE NO MORE THAN DOUBLE JEOPARDY. less evidence there was no following, no phone calls, no communication directly, no threat. Period only hearsay evidence. SEE TRANSCRIPT everything was evolved AROUND CITY CASE WITNESS AND ALL. SINCE LAST ARREST ON THOSE CHARGES THERE WAS NO CONTACT WITH ALLEGED VICTIM IN ANY FORM

ARGUMENT
STATEMENT OF FACTS

JUST PASSING ONE ANOTHER ON THE STREET WITH NO GESTURE,
 THREAT, COMMUNICATION, CONTACT AND/OR VERBAL WORDS
 SEE ORIGINAL TRANSCRIPT VONCIEL TESTIMONY FROM THE STAND
 SHE NEVER SEEN ME FOLLOWING HER, NEVER A PHONE CALL TO HER
 JOB AND/OR HOME, WHERE WAS THE STALKING? ON NOVEMBER 23RD, 1998.
 AS NAMED IN THE INDICTMENT SHE WAS NOT IN THE BUILDING
 NO WHERE NEAR THE BUILDING OR IN BETWEEN THE BUILDING ON WASHINGTON
 AND RIPLEY ST. AS THE INDICTMENT READS. THAT THE APPELLANT:
 DID INTENTIONALLY STALK VONCIEL MINFIELD. I KNEW WHERE SHE
 LIVED IN EVENT I WANTED TO HARM HER. I KNEW THE ROUTE SHE
 TAKES AS MANY TIMES I TOOK HER TO WORK. DID JUDGE ABUSE HER
 DISCRETION IN DENIAL MOTION FOR A NEW TRIAL. SINCE THE
 STATE WITHHELD DISCOVERY EVIDENCE THAT COULD HAVE PROVED ME
 BEING FOUND INNOCENT. THE PROCESS OF LAW REQUIRES FAIR
 NOTICE THAT ONE'S CONDUCT IS SUBJECT TO A LAW OR
 REGULATION. CONST. 6,7,13. AS IN BROOKS VS ALA
 STATE BAR [2] THE SAME APPLIES HERE IN BEING MARRIED
 I FELT THOUGH LEAVING WORD WITH CO-WORKER EVEN THOUGH
 THE WIFE GOT TEN CO-WORKER TO CONSTRUE THE MESSAGE
 THAT I LEFT THERE WAS NO HARMFUL ERROR OF STALKING,
 THREAT, COMMUNICATION, AND MOST OF ALL NO
 PRESENCE OF WIFE THERE OR WOULD BE THERE FOR
 OVER 1 1/2 HOURS. ALL THE OTHER WITNESS COULD NOT
 WITNESS TO ANYTHING ON NOV. 23 1998. JUST THE WAY
 D.A. KNEW THEY LIED AND COULD NOT WITNESS TO
 ANYTHING THIS IS WHY STATE BROUGHT WITNESS OUT
 ABSENT OF MY PRESENCE. (8)

(1) Did Trial Judge abuse IT discretion in honoring a defected PROTECTED ORDER with OUT factual standard. There is NO STATUTORY basic existed, for granting INJUNCTIVE RELIEF. based on THE INCIDENTS cited in THE APPELLEE'S PETITION. NO COMPETENT, SUBSTANTIAL evidence exists THAT THE APPELLEE suffered REPEATS ACTS OF VIOLENCE. STATUTORY ELEMENTS NOT MET WHERE NO evidence of REPEAT VIOLENCE exist. see RUSSELL ex Rel. RUSSELL VS HOGAN 738 S.O. 1003 Fla 2d DCA (1999). JOHNSON 567 SO 2d 27 35.

FLA. STATUTES

784.048(3) (1999) 784.048(1) STALKING is the same as ALABAMA BUT OUTLINE CLEARLY WHAT CONSTITUTE STALKING. IT DETERMINING WHETHER AN INCIDENT CREATES SUBSTANTIAL EMOTIONAL DISTRESS, COURT MUST NOT USE IN A FACTUAL EVALUATION A REASONABLE PERSON STANDARD. NOT A SUBJECTIVE STANDARD see BOUTER, S VS STATE 659 SO.2d. 235, 238 Fla (1995.) JOHNSON VS BROOKS 567 S.O. 2d. 34 [3] MC MATH VS STATE 776 SO 2d. 1039 Fla App. 1 Dist 2001. ACCORDING NO VIOLENCE OCCURED JUST AN ATTEMPT, BUT NEVER MATERIALIZE TO VIOLENCE FACTUAL.

Brady vs Maryland 373 U.S. 83 87, 83 S.Ct. 1194 1196
10 L.Ed.2d 215 (1963) held The suppression by the
prosecution of evidence, favorable to an accused upon
request violates due process where the evidence is
material, either to guilt or to punishment, irrespective
of the good faith or bad faith, of the prosecution
in addressing the request for disclosure. The U.S.
Supreme Court has stated.

When the evidence is so clearly supportive of
a claim of innocence that it give the prosecution
notice of a duty to produce that duty should
equally arise even if no request is made.

As in U.S. vs Agurs, 427 U.S. 97, 107, 96 S.Ct 2392
2399, 49 L.Ed.2d 342 (1976)

To ensure fair trial disclosure is required
U.S. vs Ellsworth 647 F.2d 957 9th Cir.

In my opinion justice has NOT been served
in allowing this conviction to stand. The appellant
has not been afforded a fair trial under the
process of law

Prosecutor

Failed to timely disclose exculpatory evidence
Ex Parte Duncan 456 So.2d 362 (1984)

This Appellant John Willie Minnifield hope AND PRAY
That This Hon' Court will reverse the Trial Court
Ruling Whereas The State has fail to file A Brief

To SUPPORT why The Appeals "Should Not hear My Appeal
The STATE has defaulted. Therefore The Appellant hope MR
Pray That This Hon COURT will Reverse The decision of
The lower COURT. For A NEW TRIAL. That The Trial
be Fair That The STATE do NOT violate BRADY AND
BATSON VS Kentucky Rules And The A.R.E.P

Evidence

OF OTHER bad ACT, THE STATE FAIL TO PROVIDE NOTICE THAT
IT WOULD OFFER SUCH EVIDENCE, RENDER IT INADMISSIBLE
Rule 404 Alabama Rules of evidence Fed Rules 404

Amendment

REQUIRES THE PROSECUTOR TO PROVIDE NOTICE REGARDLESS
OF HOW IT INTENDS TO USE THE EXTRINSIC ACT.
EVIDENCE AT TRIAL i.e. DURING IT CASE IN CHIEF FOR
IMPEACHMENT OR FOR POSSIBLY REBUTTAL THE OFFERED
EVIDENCE.

SECTION B

THE PROVIDED CLAUSE OF SECTION B. REQUIRES PRETRIAL
NOTICE TO THE PETITIONER OF THE PROSECUTOR INTENT TO
USE EVIDENCE OF COLLATERAL MISCONDUCT. THIS PROVIDE
CLAUSE IS BASED UPON AN AMENDMENT TO THE CORRESPONDING
FEDERAL RULE 404 ADOPTED (1991) EX PARTE LAWRENCE 776 SO.2D 50 20

each AND every ALLEGATION IS TRUE WITH FACTUAL basic
AND MERITS TO SUPPORT THIS IS WHY THE STATE FAILED
TO FILE ITS BRIEF. THE PETITIONER; JOHN WILLIE MINNIFIELD HOPE
AND PRAY THAT THIS HON: COURT WILL REVERSE AND REMAND
FOR A NEW TRIAL SO HELP ME GOD.

Respectfully Submitted

John Willie Minnifield

Done This 10th Day of April 2000

CERTIFICATE OF SERVICE

I CERTIFY TO BE PLACED IN U.S. MAIL THIS BRIEF WITH
PROPER POSTAGE AND MAILED TO THE CLERK OF THE
CRIMINAL COURTS OF APPEALS AT

CLERK MR LANE MANN

300 DEXTER AVE

MONTGOMERY ALA 361130-1555

**STATE OF ALABAMA
MONTGOMERY COUNTY**

**WARRANT AND
AFFIDAVIT**

**THE DISTRICT COURT
CASE NO.**

Before me the undersigned Judge/Clark/Magistrate of The District Court of Montgomery County, Alabama, personally appeared

VONCIEL A. MINNIFIELD

who being by me first duly sworn deposes and says that he has probable cause for believing, and does believe that within twelve months within said County or about (date) 11-23-98

one JOHN WILLIE MINNIFIELD, did

intentionally and repeatedly follow or harass Another person, to-wit: VONCIEL MINNIFIELD, and made a credible threat, either expressed or implied, with the intent to place that person, to-wit: VONCIEL MINNIFIELD, in reasonable fear of death or serious bodily harm, in violation of Code 13A-6-90 of the State of Alabama against the peace and dignity of the State of Alabama,

Sworn to and Subscribed before me this the 23rd
day of NOV. 1998

Judge/Clark/Magistrate of District Court
of Montgomery County, Alabama

Complainant's Signature

Voncile Minnifield

**STATE OF ALABAMA
MONTGOMERY COUNTY**

WARRANT OF ARREST

THE DISTRICT COURT

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

You are therefore commanded to arrest JOHN WILLIE MINNIFIELD

and bring him/her before the DISTRICT COURT OF MONTGOMERY COUNTY, to answer the State of Alabama on a charge of

STALKING

and have you then and there this writ with your return thereon

Dated this 23rd day of NOV. 1998

The Sheriff will take bond in the sum of \$ 100,000.00

Judge/Clark/Magistrate of District Court
of Montgomery County, Alabama

WARRANT NO. 2304-98

**WARRANT OF ARREST
THE DISTRICT COURT OF
MONTGOMERY COUNTY, ALABAMA**

THE STATE OF ALABAMA

JOHN WILLIE MINNIFIELD

STATE WITNESSES

VONCIEL A. MINNIFIELD
2213 UPPER WETUMPKA RD, #31

NICHOLAS WASHINGTON
770 WASHINGTON AVE

C. WILLIAMS, #067
MPD/DET

Defendant's Address:

463 EMPIRE TERRACE

Race: B

Sex: M

DOB: 12-26-39

DL No.:

S.S. Number:

Employment:

Executed the within Warrant by Arresting
the within named Defendant and
Taking Appearance Bond
Committing Defendant to Jail

This _____ day of
19 84

Shard

Case # 98-21198

AFFIDAVIT
DISTRICT COURT OF MONTGOMERY ALABAMA

2304-98

INSTRUCTIONS: Complete the following information on OFFENSE/OFFENDER

Offense: STALKINGDefendant's Name: JOHN WILLIE MINNIFIELD B/M AGE 58 D.O.B. 12/26/39Defendant's Address: 463 EMPIRE TERRACE MONTGOMERY, ALABAMA 36110Date & Time of Offense: 11/23/98 BETWEEN 0700-0730 HOURSPlace of Occurance: 770 WASHINGTON AVENUE MONTGOMERY (RSA PLAZA)Person or Property Attacked: VONCIEL A. MINNIFIELDHow Attacked: BY MAKING VERBAL THREATS TO KILL VICTIM

Damage Done or Property Attacked: _____

Value of Property: _____

Details of Offense:

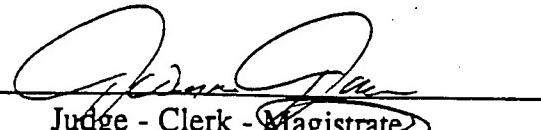
ON MONDAY MORNING, 11/23/98 BETWEEN 0700-0730 HOURS, THE DEFENDANT WENT TO THE VICTIM'S PLACE OF EMPLOYMENT LOCATED AT 770 WASHINGTON AVENUE, AT WHICH TIME HE MADE A VERBAL THREAT TO WITNESS #2 OF HIS INTENT TO KILL THE VICTIM, WHO IS HIS WIFE, BEFORE THANKSGIVING DAY. THE DEFENDANT HAS REPEATEDLY HARASSED, FOLLOWED AND THREATENED TO TAKE THE VICTIM'S LIFE FOR OVER A TWO MONTH PERIOD, WHICH HAS CAUSED HER TO FEAR FOR HER SAFETY AS WELL AS HER CHILDREN'S SAFETY.

THIS OFFENSE OCCURRED IN MONTGOMERY COUNTY, ALABAMA, AND IS IN VIOLATION OF SECTION 13A-6-90 OF THE CRIMINAL CODE OF ALABAMA.

I make this affidavit for the purpose of securing a warrant against the said JOHN WILLIE MINNIFIELD B/M AGE 58. I understand that I am instituting a criminal proceeding and cannot drop this case. I further understand that if any of the forgoing facts are untrue, I may, in addition to any other punishment provided by law, be taxed with court costs in this proceeding.

Sworn to and subscribed before me
this 23 day of Nov 19 98.

Voncile Minnifield
Complainant


 Judge - Clerk - Magistrate

WITNESSES: (Name, Address, Telephone Number)

- 1) VONCIEL A. MINNIFIELD 2213 UPPER WETUMPKA RD #31 MONTG, AL
- 2) NICHOLAS WASHINGTON 770 WASHINGTON AVE MONTG., AL PH 269-6090
- 3) DET. C. WILLIAMS, #067 MPD/DET PH 241-2847

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